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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies.

Rulemaking 06-04-009
(Filed April 13, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON PHASE 1 POST-WORKSHOP COMMENTS,
SCHEDULE AND OTHER PROCEDURAL MATTERS**

By today's ruling, I am scheduling post-workshop comments on Phase 1 issues and addressing other procedural matters. All those planning to submit post-workshop comments should carefully review and follow the directions provided by the Division of Strategic Planning electronically to the service list on July 6, 2006. Those directions are also posted at [www](http://www.cpuc.ca.gov/static/hottopics/1energy/r0404003.htm). <http://www.cpuc.ca.gov/static/hottopics/1energy/r0404003.htm>, and reproduced in today's ruling in Attachment 2.

As described in the Assigned Commissioner's June 1, 2006 ruling and scoping memo, Phase 1 will focus on the policy, design and implementation issues associated with an interim greenhouse gas (GHG) emissions performance standard. This standard, also referred to as an "emissions performance standard" or "EPS" in this proceeding, is intended to serve as a near-term bridge to the load-based GHG cap adopted by the Commission in Decision (D.) 06-02-032. In Phase 2, the Commission will address the implementation

issues associated with the load-based GHG emissions cap adopted in D.06-02-032 and related procurement incentive framework implementation issues, including whether a permanent EPS should be incorporated into that framework when a cap is fully functioning.

I. Post-Workshop Comments and Phase 1 Schedule

I attended three days of very productive Phase 1 workshops held in San Francisco on June 21-23, 2006. I want to thank all workshop participants for their constructive exchange of information and viewpoints on all aspects of the policy and implementation issues associated with an interim EPS. I want to also acknowledge the contribution of our Division of Strategic Planning (DSP) to the workshop process, both for arranging to have Richard Cowart from the Regulatory Assistance Project lead the workshop discussion, as well as for providing the excellent staff support of Lainie Motamedi and Carla Peterman.

By electronic notice dated June 30, 2006, which is reproduced in Attachment 1 to this ruling, I established July 26, 2006 as the due date for post-workshop comments. Below, I lay out the full Phase 1 schedule reflecting the dates set forth in my notice and in the June 1, 2006 Assigned Commissioner's ruling and scoping memo:

Phase 1 Schedule

Pre-Workshop Comments on Phase 1 Issues	June 12, 2006
Workshop	June 21-23, 2006
Opening Briefs on Jurisdictional and other Legal Issues (Phase 1 only)	June 30, 2006
Reply Briefs on Jurisdictional/Legal Issues	July 10, 2006
Post-Workshop Comments on Phase 1 Issues	July 26, 2006
Draft Workshop Report/Staff Recommendations	August 21, 2006
Opening Comments on Workshop Report	September 1, 2006

Reply Comments on Workshop Report	September 12, 2006
Final Workshop Report/Staff Recommendations	September 25, 2006
Draft Decision Addressing Final Staff Recommendations and Parties' Positions	November 9, 2006
Comments on Draft Decision	November 29, 2006
Reply Comments on Draft Decision	December 4, 2006
Final Decision (on Agenda)	December 14, 2006

All those planning to submit post-workshop comments should carefully review and follow the direction provided by the Division of Strategic Planning electronically to the service list on July 6, 2006 and reproduced in today's ruling in Attachment 2.

II. Motions to Intervene and Accept Late-Filed Comments

By electronic mail dated June 22, 2006, I approved the June 12, 2006 Motion to Intervene by the Center for Resource Solutions, as well as Sempra's June 13, 2006 Motion to file its pre-workshop comments one-day out of time. Today's ruling memorializes that action. On June 20, 2006, Redefining Progress submitted pre-workshop comments requesting leave to file late due to the illness of their representative to this proceeding. By today's ruling, I accept the late-filed comments, due to the extenuating circumstances described therein.

IT IS RULED that:

1. The schedule for Phase 1 and direction for post-workshop comments is set forth in this ruling.
2. All notices, comments and other submittals required by this ruling shall be served on the service list in this proceeding pursuant to the Electronic Service Protocols attached to the Order Instituting Rulemaking and consistent with Rules 2.3 and 2.3.1. Hard copies shall also be served on ALJ Meg Gottstein and Assigned Commissioner Michael Peevey, pursuant to those protocols.

3. The June 12, 2006 Motion to Intervene of Center for Resource Solutions is granted.

4. The June 13, 2006 Motion of Sempra's Motion to file its pre-workshop comments one-day out of time is granted.

5. The June 20, 2006 request by Redefining Progress to accept its late-filed pre-workshop comments is granted.

Dated July 7, 2006, at San Francisco, California.

/s/ MEG GOTTSTEIN
Meg Gottstein
Administrative Law Judge

ATTACHMENT 1

**JUNE 30, 2006 ELECTRONIC NOTICE TO SERVICE LIST REGARDING
PHASE 1 POST-WORKSHOP COMMENTS**

From: Huang, Ke [mailto:HKR@cpuc.ca.gov]

Sent: Friday, June 30, 2006 1:54 PM

To: The service list in R.06-04-009

Subject: R: 06-04-009: Straw Proposal, Data Submittals and Next Steps in Phase 1

Importance: High

To the service list in R.06-04-009:

Attached is an updated version of the Staff Straw Proposal for the Phase 1 interim GHG Emissions Standard (also referred to as the "Emissions Performance Standard" or "EPS"). This version incorporates clarifications that staff made during the workshop discussion to its earlier version, which was distributed during the June 21-23 workshops. Staff plans to also send a flow chart representation of this Straw Proposal on Wednesday, July 5.¹

The schedule for briefing the Commission on legal issues (e.g., jurisdictional issues, applicability of the EPS to qualifying facilities, and others that parties raise in Phase 1) was set forth in the Assigned Commissioner's Phase 1 scoping ruling, dated June 1, 2006. These dates have not changed.

By July 11, I will issue further guidance for post-workshop Phase 1 comments. You can expect that I will ask you to discuss the pros and cons of the attached Straw Proposal, and present alternative EPS design parameters for the Commission to consider, should it decide to adopt an interim EPS. So you should start working on that aspect of your post-workshop comments, between now and July 10.

All Post-Workshop Comments will be due July 26, 2006, properly filed and served according to the electronic service protocols in this proceeding.

¹ Note: This flowchart was sent out on July 6, 2006 per the Assigned ALJ's further instructions.

At the workshop, the IOUs (PG&E, SDG&E, SCE) and other workshop participants agreed to prepare the information/analysis on topics related to the threshold policy issue and implementation design considerations for an interim EPS, as follows:

1. The size of the potential IOU procurement needs that would be covered by an interim EPS. The IOUs and the CEC are working on a common format for this information and will be providing the format to staff by July 7. By July 11, both redacted (public) and unredacted versions of this information will be provided to staff. The intent is to provide to the service list as much publically available data on this topic as possible.
2. Analysis around the definition of "covered resources:" What proportion of GHG emissions from long-term commitments would be excluded/included if the threshold for review is 60% average annual capacity factor vs. 50%, 70% or 80%? The IOUs will be providing this information to staff by July 11th.
3. Graph/Schematic of representative heat rates/emission rates for different types of facilities, for the purpose of considering the level of the "moderate" and "high" EPS thresholds for existing/new facilities under the staff Straw Proposal, or alternative approaches. The IOUs and other workshop participants agreed to coordinate on this document, due July 11 to staff.
4. Size of potential ESP procurement. SCE and AReM are working on this information that will be submitted to staff by July 14.
5. Emission factors for unspecified resources. CEC staff will provide the WECC regional emissions average, sub-region averages and the "net system" average figures to staff by July 11.
6. Potential new sources of power (new projects coming on line) proposed for potential sale to California IOUs. CEC, WRA, Constellation and PacifiCorp agreed to pull together the data available on this issue, and provide it to staff by July 11.

In addition, at the workshop several participants agreed to coordinate the development of the following information to present in their post-workshop comments (jointly, if possible):

- a. How one would calculate the net emissions rates from renewables (GPI, PG&E, NRDC and others)
- b. The formula for a cogeneration thermal credit calculation, and whether it is consistent with the CARB approach: (EPUC circulating to others before comments are due)
- c. Protocol for assigning "covered resources" to California for multi-jurisdictional utilities and other implementation issues unique to multi-jurisdictional LSEs (PacifiCorp, WRA).

Staff intends to serve the information listed under 1-6 above to the service list upon receipt, so that you will have it as soon as possible to consider for your post-workshop comments. If you are interested in participating in the development of this information, please contact the parties listed above as soon as possible. The service list with contact information is accessible at www.cpuc.ca.gov. In addition, you can contact Lainie Motamedi (415 703-1764) or Carla Peterman (415-703-1112) in our Strategic Planning Division for questions or further information about these submittals.

Thank you,

ALJ Meg Gottstein

ATTACHMENT 2

DIRECTIONS FOR PHASE 1 POST-WORKSHOP COMMENTS

We are soliciting post-workshop comments in order to further develop the record on the policy and implementation issues associated with the Commission's consideration of an interim GHG emissions performance standard (or "EPS"). The post-workshop comments may also respond to the arguments made by parties in pre-workshop comments. However, the focus of the post-workshop comments should be to further elaborate on specific areas of discussion at the workshop, including the following:

A. Threshold Issue: Should the Commission adopt an interim EPS?

1. If you are in support of an interim EPS, describe the advantages of adopting one. If you recommend that the Commission *not* adopt an interim EPS, present opposing arguments on this issue. *Please initially respond to this question in the context of the "gateway" EPS described in Appendix A (Staff Straw Proposal). If your response would differ based on an alternative EPS design, please so indicate.*

2. In the context of your answer to #1 above, address whether an EPS serves to address the Commission's goals for procurement differently/better than current procurement policies, such as the current GHG adder. If the GHG adder were significantly increased, would this obviate the need for an EPS, in your view, why or why not? In your response, describe the current purpose and application of a GHG adder relative to an EPS.

B. Implementation/Design:

3. Assuming that the Commission decides to proceed with an interim EPS, what should be the major design principles/objectives for such a standard? Please identify what you consider to be the *top four priorities* for design criteria, and why. The following is an illustrative list developed from the workshop discussion, but others may be presented and discussed.

The EPS should:

- Be designed to prevent major “backsliding” (and if you choose this design objective, please clearly define your use of the term “backsliding”);
- Be workable and administratively as simple as possible.
- Address reliability concerns, e.g., be designed to prevent the shutdown of essential facilities;
- Signal development away from high-emitting resources;
- Encourage (as well as not hinder) advanced technology development;
- Minimize costs to ratepayers;
- Minimize the risk of long-term commitments that will raise future compliance costs;
- Other?

4. The first major fork-in-the-road design issue discussed at the workshop was whether the EPS should be a “gateway” threshold versus a standard that applies to the ongoing operation of a facility (built or under contract). The general consensus of workshop participants was that an interim EPS should be a gateway standard that is applied when the load-serving entity (LSE) seeks approval for construction or purchase commitments, based on documentation concerning the expected resource/facility operating characteristics and associated GHG emissions.

Please discuss the relative advantages of this approach, and the potential disadvantages. If you believe that the EPS should in fact be applied in a different manner, please describe your proposed approach and the relative advantages/disadvantages of your proposal. Relate your response to this question to the design priorities you articulate under Question #3 above.

5. Another fork-in-the-road design issue discussed at the workshops was the application of an EPS to new generation resources as well as to renewal or new contracts with existing facilities. The Staff Straw Proposal applies the EPS to new *commitments* (construction, new or renewal contracts) for both. (See Appendix A.) Please comment on whether you support the Staff Straw Proposal on this issue, indicating your views on the relative advantages and disadvantages of applying the EPS to both new and existing generation facilities (under new commitments). Relate your response to this question to the design priorities you articulate under question #3 above.

6. There was also general agreement among workshop participants that if adopted, an interim EPS should cover commitments (construction or contracts) five years or longer, which is also reflected in the Staff Straw Proposal. Do you agree? Why or why not? How does this design parameter achieve (or not achieve) the priorities you have identified under question #3 above?

7. Another major design issue discussed at workshops was what the Commission should look at (contract or facility operation) in determining whether the EPS applies. In particular, should the Commission (1) look at the operation of the facility underlying a contract², or (2) only to the amount/product contracted for by the LSE? The Staff Straw Proposal takes the approach that, for specified contracts, the Commission should look at the expected operation and emissions of the facility, rather than just the contracted amount. ³ Please comment on the advantages and disadvantages of these two alternative approaches, and your position on this issue.

8. There was general agreement during the workshop that an interim EPS should *not* apply to peaking facilities or resources expected to operate relatively few hours during the year. Accordingly, the Staff Straw Proposal uses a definition for “covered resources” as those with an annual average capacity factor of 60% or greater, intending to cover resources operating as year-round base load and high-use intermediate and shaping facilities. Do you believe that this definition of covered resources is appropriate? In responding, please address the following:

- a. What types of resources do you believe the EPS should cover and whether you believe the straw proposal capacity factor (60% or greater) metric to define a covered resource will capture those resources.

² Or in the case of joint ownership of a power plant, the entire facility being constructed.

³ As indicated in Appendix A, under the Straw Proposal the Commission would impute an emissions profile for unspecified contracts.

b. Present an alternative metric(s) for defining “covered resources” that you recommend, if you do not support the Staff Straw Proposal definition.

c. Whether (and if so, how) the EPS should incorporate a research and development exemption for advanced coal or other technologies.

9. Another design issue discussed at the workshop was how the EPS should apply to specified contracts with more than one underlying covered resource (new or existing): Should the Commission apply the EPS to the “blend” of the resources/units, or require that each covered resource meet the EPS individually?

Under the Staff Straw Proposal, each individual covered resource must meet the EPS, with the exception of a renewable contract firmed with a non-renewable resource. In that case, the blend of the two must meet the EPS, rather than the individual resources/units.

Do you agree with this approach? Why or why not? In your response, present your view of the relative advantages and disadvantages of the alternate approaches, and discuss your recommendation in the context of your answer on design priorities under Question #3.

10. In the context of the Staff Straw Proposal, how should the Commission treat partial contracts under the proposed EPS? An example discussed at the workshop was a “summer product” contract for power from a specified coal plant. For partial contracts, should the Commission look at how the facility is operating during the duration of the contract commitment, at the MWhs being purchased relative to the full year of facility operations, or consider other approaches? Would your proposed treatment of partial contracts result in an exemption under the 60% capacity factor rule, even if that underlying facility would be a “covered resource” under average annual operation? Why or why not?

11. The Staff Straw Proposal allows for an exemption from the standard for specified units of 25 MW or smaller, based on the size of the facility under construction or providing power under a contract. However, there would be no

size exemption for unspecified contracts of any size. In commenting on this aspect of the Straw Proposal, please address the following:

- a. The MW level of the “small unit” exemption under this proposal. Do you support this exemption as proposed? Would you propose a different size exemption level and/or one specifically tied to projects qualifying under the self-generation incentives program? No exemption? Why or why not?
- b. Basing the exemption on MWs delivered to the grid. In determining eligibility for the size exemption, the Staff Straw Proposal would subtract out self-generated power that was not delivered to the grid.
 - i. Please indicate whether you agree with this approach to determining the size exemption, why or why not?
 - ii. If the Commission adopts this approach, what type of information (and source of data) would need to be presented for the Commission to determine the amount of expected self-generation to subtract from the unit size?
- c. Basing the exemption on the size of the unit being constructed or underlying a unit-specified contract, rather than the size of the contract. Please discuss the relative advantages and disadvantages of these alternate approaches to a size exemption, and indicate which you would recommend, should the Commission determine that a size exemption would be appropriate. (You may refer to your answer to the related Question 7, as appropriate).
- d. No size exemption for any unspecified contracts. Do you support this approach? Why or why not?

12. Under the Staff Straw Proposal, the Commission would develop two separate standards for covered resources: 1) a “moderate” EPS to apply to existing resources and repowering and 2) a “high” EPS to apply to new resources. Both would be based on the performance of a combined-cycle gas turbine (CCGT). Please address the following questions in your comments on this approach:

- a. Do you agree in concept with a dual standard as outlined in the Staff Straw Proposal, why or why not?
- b. If the Commission adopted this approach, what performance standard do you recommend for the “moderate” and “high” EPS? Express your answer in terms of heat rates as a proxy for GHG emission rates. Explain why you chose these levels, and the source of data/calculations you used to develop them.
- c. If instead you recommend a single EPS based on the performance of a CCGT for all new commitments (whether to new resources, existing or repowered facilities), provide your recommended performance standard (expressed as a heat rate), explain why you chose this level, and the source of data/calculations you used to develop it.
- d. In responding to b. and c. above, be specific as to how you developed your CCGT reference standard and the data sources/calculations used. For example, did you base it on the expected performance of a modern CCGT newly placed in service, or at the end of its useful life, or an average of emissions from existing CCGTs, or another approach?
- e. If you have alternate or additional recommendations for the EPS standard and calculation, please submit them.

13. There was general agreement at the workshop that the Commission should allow credit for cogeneration thermal load when applying the EPS to covered resources. This is reflected in the Staff Straw Proposal. Do you agree with this approach, why or why not?

If you have developed a specific formula for the calculation of such a credit, please provide it in an attachment to your post-workshop comments, or in a separate joint submittal at the same time (if you are joining in with other parties on this issue). Indicate whether it is consistent with methods used to credit thermal loads in other emissions regulations for cogeneration facilities, either in California or elsewhere.

14. Do you have a position on how to calculate the net emission rates from renewables (e.g., for waste-to-energy, geothermal resources) for the purpose of applying the EPS? If so, please present your views either in your individual post-workshop comments or jointly with other interested parties at the same time.

15. There was discussion during the workshop on how to address unspecified contracts, i.e., what imputed emissions factor to use. The following alternatives were identified:

- a. Western Energy Coordinating Council (WECC) system average;
- b. Appropriate geographic average (e.g., Northwest purchases represent different resources than purchases from the Southwest);
- c. California Energy Commission (CEC) “Net System Power” calculations;
- d. Default to coal emission rates.

Please discuss your recommended approach, and why. Be as specific as possible as to the source of the data (or specific numbers) you would use for this purpose.

16. The Staff Straw Proposal does not include offsets or market price safety valves under the interim EPS, but does provide for a case-by-case reliability “safety valve” review by the Commission. (See Appendix A). Please comment on this aspect of the proposal, and provide your recommendations.

17. From a policy perspective, please discuss whether energy service providers, qualifying facilities (QFs) and other jurisdictional load-serving entities (LSEs), including multi-jurisdictional utilities, should be subject to an interim EPS along with PG&E, SCE and SDG&E, should the Commission decide to adopt one. Limit your comments to policy considerations, rather than legal argument.⁴

If you have considered the issue of how the Commission would apply an interim EPS to multi-jurisdictional utilities, please present a protocol for allocating emissions among resources serving multiple states with your post-workshop comments.

⁴ Legal briefs on jurisdiction and related issues are being filed separately.

18. If the Commission adopted an interim gateway EPS modeled after the Staff Straw Proposal, what documentation should it require “at the gate” with respect to 1) meeting the small size exemption, including amount of power delivered to the grid (for self-generation), 2) demonstrating whether the new commitment meets the “covered resource” definition or not, 3) claiming the cogeneration thermal load credit and 3) other requirements of the EPS?

Should there also be compliance requirements under this gateway approach (e.g., with respect to unspecified contracts), and if so, what should they be?

19. Staff Straw Proposal raises the issue of how to attribute emissions factors to renewable resources that have sold off their renewable energy credits (e.g., to municipal utilities) for the purpose of applying the EPS. There was some discussion of this “null power” issue at the workshop. Options discussed included imputing an emissions rate from the WECC region or from the region where the renewable power was located, or using the CEC’s “net system power” calculation as a default emissions rate. If you have a recommendation on this issue, please provide it in your comments.

20. Please comment on any other aspects of the Staff Straw Proposal and alternative EPS designs for Commission consideration that are not covered in your answers to previous questions.

21. As reiterated in Judge Gottstein’s September 30, 2006 notice to the service list, the utilities and other workshop participants agreed to prepare information/analysis on topics related to the threshold policy and implementation design considerations for an interim EPS. Some of this information will be available and distributed to the service list prior to the preparation of post-workshop comments.

As appropriate, please comment on how you have used this information in developing your post-workshop comments. What additional information/analysis do you believe would be useful to the Commission in considering the policy and implementation questions posed above?

APPENDIX A

Interim GHG Emissions Performance Standard California PUC Rulemaking 06-04-009

CPUC Staff Straw Proposal for Discussion

1. Design Goals for the EPS

- a. Prevent backsliding and commitments that will make future GHG reductions more difficult
- b. Minimize costs to ratepayers and minimize the risk of long-term commitments that will raise the cost of future compliance costs
- c. Reliability:
 - i. short-term: don't force shutdown of essential facilities
 - ii. long-term: consider risks of relying on high emitting resources
- d. Administrative simplicity

2. Timeframe

- a. Coordinate with procurement proceeding, but adopt now
- b. Implement performance standard as interim measure for an unspecified period of time. CPUC will re-evaluate the program when a GHG cap and trade system or other relevant policy (CPUC, state, regional, or other) is functioning.

3. To Which LSEs does the EPS apply?

- a. Apply to all jurisdictional LSEs (including ESPs and CCAs)
- b. Create ESP process to address ESP procurement related to this program
- c. Don't delay pending legislation regarding publicly-owned utilities
- d. Develop a filing/approval process for multi-jurisdictional utilities, including a protocol for allocating emissions among resources serving multiple states

4. Program Screens

- a. The EPS standard will be applied on a “gateway” basis, at the time a LSE’s commitment (build or buy) is proposed.
- b. The standard will be applied to the reasonably projected emission rate from the supply source over the term of the commitment
- c. “Covered resources” are resources with a reasonably projected average annual capacity factor of 60% or greater.

5. Which Power Sources are covered?

- a. Applied to utility owned **new generation, repowering or new/renewal contracts**
- b. All new and renewal contracts and investments in “covered resources” of **five years or longer**
- c. Applied to **baseload and intermediate or “shaping” facilities with annual average capacity factor of 60% or greater**
- d. Size threshold:
 - For **specified facilities (built or under contract): 25 MW or greater** delivered to the grid;
 - For **unspecified resource/facilities under contract: all sizes**
- e. Application to QFs addressed in legal briefs
- f. Self-generation is covered (size threshold determined based on amount delivered to grid; cogeneration thermal load credit calculated, see below).
- g. Renewables are covered, emissions factors can be demonstrated at the time of review (includes biomass, waste-to-energy, geothermal, etc.)
- h. Reliability exemption considered on a case-by-case basis

6. What is the Standard and How Determined?

- a. Emissions standards based upon CCGT performance
 - i. Higher standard for new facilities : high-performing new CCGT
 - ii. Moderate standard for existing facilities and repowering – keyed to performance of existing CCGT fleet
 - iii. Allowance for cogen thermal load
- b. Potential R&D exemption on a case-by-case basis (e.g., permit advanced coal facilities that have the capacity to capture and store carbon

dioxide “safely and inexpensively” as described in the GHG Performance Standard Policy Statement?).

7. How to apply the standard to units and contracts

- a. For single unit specific contracts: applied on facility basis
- b. For multi-unit contracts: each covered unit must qualify
- c. Baseload renewable product with firming fossil (that qualifies as a “covered resource”) -- applied to baseload blend average. If firming unit is unspecified impute appropriate emissions factor.
- d. Treatment of null renewable power? Not addressed at this juncture.
- e. Unspecified resource contracts: apply appropriate emissions factor.
Choices are:
 - i. WECC system average
 - ii. Appropriate geographic average (e.g., NW is different from SW)
 - iii. CEC “Net System Power” calculations
 - iv. Default to coal emission rates

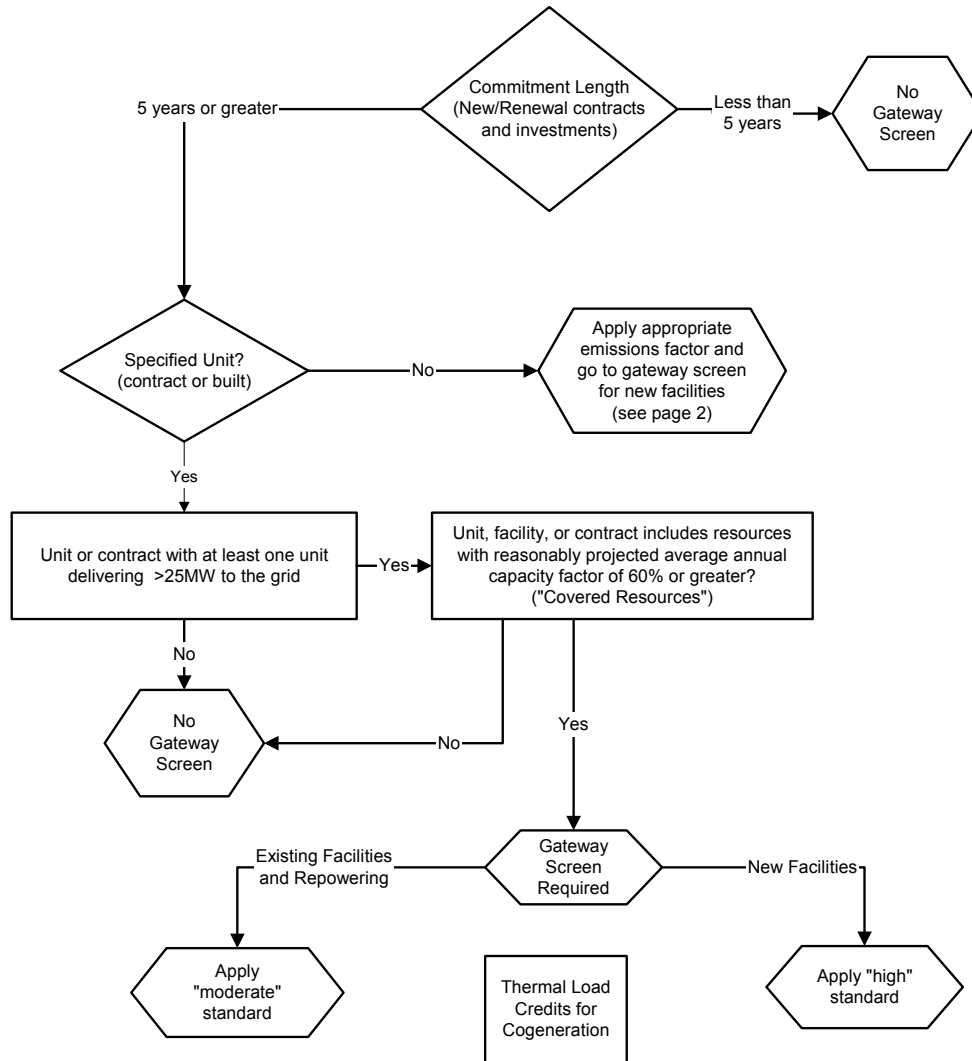
8. Monitoring and Enforcement

- a. CPUC gateway review with documentation and approval required prior to finalizing contract or commitment to construct

9. Offsets, Safety Valves, and other flexibility devices

- a. No offsets or market price safety valves
- b. Case-by-case “safety valve” upon application and CPUC review for reliability only.

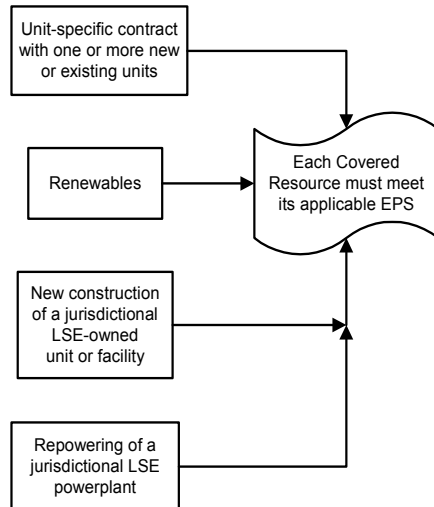
EPS Screen – Which Commitments are Covered?



Emissions standards based upon CCGT performance

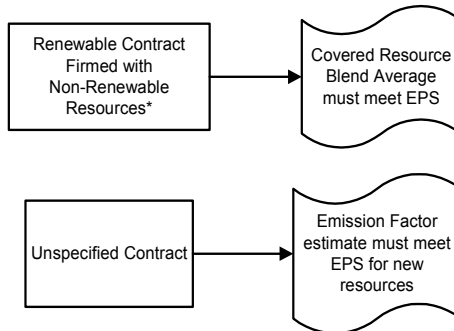
- i. Higher standard for new facilities: high-performing new CCGT
- ii. Moderate standard for existing facilities and repowering - keyed to performance of existing CCGT fleet

Contract and Unit Specific Requirements to Meet EPS



Note:

Applicable EPS depends on whether the commitment involves a new versus existing covered resource. Repowering is measured against the EPS that applies to existing covered resources. Unspecified contracts use appropriate emissions factor and are subject to the EPS that applies to new covered resources.

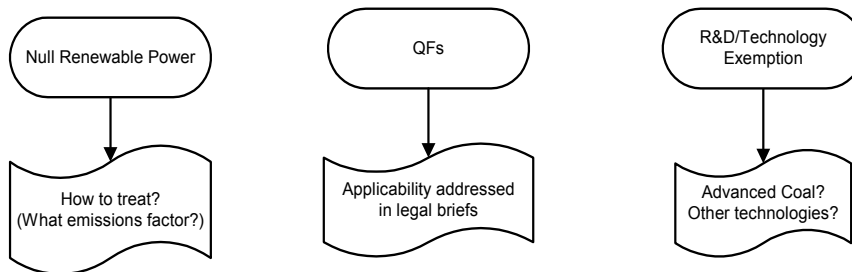


Emission Factor Options for Consideration Include:

- WECC system average
- Appropriate geographic average- (e.g., NW is different from SW)
- CEC "Net System Power" calculations
- Default to coal emission rates

*** Note:** If renewable contract is firmed with unspecified power, then that firming resource will need to be assigned an appropriate emissions factor. The resulting "blend" average must meet the EPS.

Issues not finalized in Staff Straw Proposal



INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the Notice of Availability to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the Notice of Availability is current as of today's date.

Dated July 7, 2006, at San Francisco, California.

/s/ ANTONINA . SWANSEN

Antonina V. Swansen

***** SERVICE LIST *****

Last Update on 05-JUL-2006 by: LIL
R0604009 LIST

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